

Tuesday, August 28, 2012

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM

**PRESENT:** Supervisors: Frank Mecham, Bruce S. Gibson, Adam Hill, Paul A. Teixeira and Chairperson James R. Patterson

**ABSENT:** None

**THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON JAMES R. PATTERSON.**

**Consent Agenda – Review and Approval:**

**1-22.** This is the time set for consideration of the Consent Agenda.

**Chairperson Patterson:** opens the floor to public comment.

**Supervisor Hill and Chairperson Patterson:** state they will be abstaining from voting on Item No. 17 due to a remote interest.

The action taken for Consent Agenda items 1 through 22 on the following vote is indicated for each item.

**Motion by:** Bruce S. Gibson  
**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Bid Opening:**

1. Request to reject public bids for construction of an expanded septic system, adopt revised contract documents (Clerk’s File) and authorize public rebidding for construction services for the septic field expansion project located at CB&I Constructors, Inc., 4388 Santa Fe Road, adjacent to the San Luis Obispo County Regional Airport. District 3.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Administrative Office Items:**

2. Receive and file the response from the Sheriff-Coroner and the District Attorney to the Grand Jury's 2011-12 report "A Vital Function of the Judicial System: Law Enforcement Property and Evidence Rooms."

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Auditor - Controller Items:**

3. Submittal of a resolution setting the 2012/13 tax rates for the Secured Property Tax Roll.

**Mr. Gere Sibbach – Auditor-Controller:** replaces Exhibit 1 to the staff report.

**This item is amended by replacing Exhibit 1 to the staff report to correct the Santa Maria JR HSD – 2000 tax rate. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NO. 2012-215, adopted.**

**Consent Agenda – Board of Supervisors Items:**

4. Submittal of Supervisor's expense report on meetings attended pursuant to Government Code section 53232.3(d).

**The Board approves as recommended by the County Administrative Officer.**

5. Request by Supervisor Frank Mecham to appoint David W. Murrell to the San Miguel District Cemetery Board of Trustees.

**The Board approves as recommended by the County Administrative Officer.**

6. Request to approve an agreement with the Land Conservancy of San Luis Obispo, as fiscal agent for the Friends of Wild Cherry Canyon, allocating \$3,500 (District Two - \$500, District Three - \$2,000, District Five - \$1,000) from District Community Project Funds – Fund Center #106 to be used to towards the maintenance of Wild Cherry Canyon.

**Ms. Kara Blakeslee – Friends of Wild Cherry Canyon:** speaks.

**The Board approves as recommended by the County Administrative Officer.**

7. Request to approve an agreement with the Paso Robles Pioneer Day Committee allocating \$2,000 from District One Community Project Funds – Fund Center #106 to be used for expenses associated with holding the October 6, 2012 Pioneer Day celebration.

**The Board approves as recommended by the County Administrative Officer.**

8. Request to approve an agreement with the Los Osos Community Advisory Council allocating \$1,690 from District Two Community Grant Funds – Fund Center #106 to be used for expenses associated with holding monthly public advisory council meetings.

**Ms. Gewynn Taylor:** speaks.

**The Board approves as recommended by the County Administrative Officer.**

9. Submittal of a resolution proclaiming September 2012 as "Childhood Cancer Awareness Month" in San Luis Obispo County.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-216, adopted.**

10. Submittal of a contract appointing Daniel Buckshi as the County Administrative Officer.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - County Fire Items:**

11. Request to approve an agreement between San Luis Obispo County Community College District (Cuesta College) and San Luis Obispo County to provide instruction in firefighting and related subjects during Fiscal Year 2012-2013.

**Mr. Bill Winter – County Fire Department:** requests this item be pulled from the Agenda due to last minute concerns regarding the language in the agreement.

**The Board pulls this item from the Agenda.**

**Consent Agenda - District Attorney Items:**

12. Submittal of the FY 2011-12 Annual Report of the Real Estate Fraud Prosecution Program as required per Government Code Section 27388. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - General Services Agency Items:**

13. Request to authorize the application and acceptance of a Federal Aviation Administration (FAA) Airport Improvement Program (AIP) grant for a study of drainage for the Oceano County Airport. District 3.

**Mr. Richard Howell – Airport Services General Manager:** amends the financial considerations for this item.

**This item is amended by correcting the Airport Enterprise Fund amount listed in the staff report, under the financial considerations, from \$6,534 to \$2,820. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.**

14. This item requests the Board to take several actions necessary to access state funding for the Women's Jail Expansion project and to complete design and engineering for the project. The requested actions include: 1) adoption of two resolutions; 2) approval of three agreements with the State (Clerk's File); 3) approval of a Grant of Easement granting the State access to the site; 4) approval of revised 30 year estimate of Women's Jail operational costs; 5) approval of Amendment #2 to the contract for consultant services for design, engineering and related services for the project; and 6) authorization for the General Services Agency Director to approve all future minor and incidental agreements or documents for the Women's Jail Expansion project. District 2.

**Ms. Katie Perez – General Services:** amends the staff report.

**Mr. C. Hite:** speaks.

**This item is amended by correcting recommendation No. 2 in the staff report by replacing the term "re-adopt" to read "adopt" and by changing the date of the State Public Works Board meeting from "September 11, 2012" to "October 12, 2012" on page 3 of the staff report. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board. RESOLUTION NOS. 2012-217 and 2012-218, adopted.**

**Consent Agenda - Health Agency Items:**

15. Request to approve renewal contracts (Clerk's File) for Fiscal Year 2012-13 in the collective amount not to exceed \$74,172 with San Luis Coastal Unified School District (SLCUSD) and Coast Unified School District (CUSD) to provide drug and alcohol prevention counseling services.

**The Board approves as recommended by the County Administrative Officer.**

16. Request to approve renewal contracts (Clerk's File) for Fiscal Year 2012-13 in the collective amount not to exceed \$55,000 with Atascadero Unified School District (AUSD), San Luis Coastal Unified School District (SLCUSD), and Lucia Mar Unified School District (LMUSD) under which the County will provide on-site support in addition to educationally related mental health services in the District's special education classes.

**The Board approves as recommended by the County Administrative Officer.**

17. Request to approve the Fiscal Year 2012-13 renewal contract (Clerk's File) with Community Action Partnership of San Luis Obispo County (CAPSLO) to provide mental health services for the Mental Health Services Act (MHSA) and case management services in support of the 2011 Public Safety Realignment Implementation Plan in an amount not to exceed \$360,132.

**Supervisor Hill and Chairperson Patterson:** abstain from voting on this item due to a remote interest.

**The Board approves as recommended by the County Administrative Officer.**

**(This item was reconsidered at the end of the day because the second on the motion to approve the Consent Agenda abstained from voting on this item.)**

18. Request to approve a FY 2012-13 renewal contract (Clerk's File) with Dignity Health d.b.a. French Hospital Medical Center in an amount not to exceed \$383,405 to provide ancillary services for the County's Behavioral Health Psychiatric Health Facility.

**The Board approves as recommended by the County Administrative Officer.**

**Consent Agenda - Public Works Items:**

19. Submittal of a utility reimbursement agreement for design services with Central Coast Water Authority, in the amount of \$58,673, and a turnout activation request letter to California Department of Water Resources for the County Service Area No. 16 State Water Turnout Project, Shandon. District 1.

**The Board approves as recommended by the County Administrative Officer.**

20. Submittal of resolution accepting an existing offer of dedication for the widening of Templeton Road, County Road No. 4083, for the Templeton Road widening project east of Atascadero (WBS 300386). District 5.

**The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2012-219, adopted.**

**Consent Agenda Public Works - Board Sitting as Flood Control District:**

21. Request to approve committee appointments and bylaw revisions to the Water Resources Advisory Committee of the Flood Control and Water Conservation District. All Districts.

**The Board approves as recommended by the County Administrative Officer.**

22. Request to approve an agreement for professional engineering services with Geoscience Support Services, Inc. in the amount of \$211,238 for the Paso Robles Groundwater Basin Model Update and authorize the Director of Public Works, or his designee, to sign amendments to the agreement in an amount not to exceed the contingency fund amount of \$21,100. Districts 1 and 5.

**The Board approves as recommended by the County Administrative Officer.**

**Public Comment Period:**

23. This is the time set for members of the Public wishing to address the Board on matters other than scheduled items.

**Mr. Ben DiFatta, Ms. Linde Owen, Ms. Gwynn Taylor and Mr. Al Barrow (chart):** comment on issues relating to the Los Osos Wastewater Project (LOWWP). Additionally, Ms. Owen comments on the proposed seismic testing near the Diablo Canyon Nuclear Power Plant.

**Mr. David Weisman - Amtrak Station Host Volunteer:** announces the Coast Rail Coordinating Council will be meeting on August 30, 2012 from 11:45 A.M. to 3:00 P.M. at the San Luis Obispo County Board of Supervisors Chambers to discuss coastal rail related projects.

**Dr. C. Hite:** speaks to the County's public complaint process.

**Mr. Eric Greening:** addresses concerns regarding the environmental and marine life impacts to the proposed seismic testing near the Diablo Canyon Nuclear Power Plant. **No action taken.**

**Board Business:**

24. Consideration of a request to approve an agreement (Clerk's File) with the Economic Vitality Corporation in the amount of \$27,940 to implement an economic analysis pilot project. All Districts.

**Chairperson Patterson:** opens the floor to public comment.

**Ms. Kris Vardas - San Luis Obispo County Economic Vitality Corporation (EVC) Board of Directors Chairperson, EVC Sponsors and County Business Community At-Large and Mr. Eric Greening:** speak.

**The Board approves the agreement with the Economic Vitality Corporation in the amount of \$27,940 to implement an economic analysis pilot project and an associated budget adjustment transferring \$27,940**

from Fund Center 142 – Planning and Building to Fund Center 290 – Community Development.

**Motion by:** Frank R. Mecham

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Hearings:**

26. Hearing to consider an appeal of the South County Area 2 Road Improvement Fee by the City Church of the Central Coast. District 4.

**Pastor Fred Knopp – Appellant, Ms. Deneise Tell – member of the City Church of the Central Coast and Ms. Kathleen Hernandez:** speak.

**Chairperson Patterson:** opens the floor to public comment.

**Mr. Eric Greening:** speaks.

The Board denies the appeal by the City Church of the Central Coast to waive or reduce the project’s Road Improvement Fee. Furthermore, the Board directs staff to work with the Appellant and recalculate the necessary fees and adjustments.

**Motion by:** Paul Teixeira

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Board Business Continued:**

25. Report on the Comprehensive County Energy Strategy and direction on implementation of the EnergyWise Plan. All Districts.

**Ms. Nicole Nix – SunPower Community Relations Representative:** gives a powerpoint presentation.

**Ms. Dawn Legg – Topaz Solar Farm:** gives a powerpoint presentation.

**Chairperson Patterson:** opens the floor to public comment.

**Mr. Eric Greening:** speaks.

The Board receives and files the report on the Comprehensive County Energy Strategy and directs staff to continue the current efforts and begin implementing the following greenhouse gas reduction measures in the EWP: Measure 1 - Energy Efficiency Programs Task underway: Continue collaboration with utility partners and others to develop and implement energy efficiency programs; Measure 3 - Energy Efficiency Financing Task underway: Continue energy efficiency financing programs and participate in new and expanded programs such as EnergyWatch and Empower Central Coast; Measure 4 - Energy Efficiency in Existing Buildings Task underway: Seek grant funding to subsidize home energy audits in coordination with Measure 3 (financing); Measure 8 - Community Forestry Programs Proposed tasks: Collaborate with County Parks and other entities to develop and implement tree planting programs in parks and other open space areas. Include community-specific greening programs in communities during community plan updates. The County should work with organizations such as One Cool Earth and the Land Conservancy to develop and

**implement these programs and Measure 9 - Countywide Energy Collaborative Tasks underway: Increase participation in EnergyWatch Partnership (as funding increases). Work with utilities to establish other local energy-related programs such as public agency energy efficiency programs.**

**Motion by:** Bruce S. Gibson

**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Closed Session Items:**

- 27.** The Board announces they will be going into Closed Session regarding:
- I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items:
    - A. Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. Charter Communications Properties LLC v. County of SLO.
    - B. Conference with Legal Counsel-Anticipated Litigation (Government Code, section 54956.9.) 2. Significant exposure to litigation (Government Code, section 54956.9(b).) No. of cases 2. Facts and circumstances not known to potential plaintiff which indicate significant exposure to litigation. 3. Initiation of litigation (Government Code, section 54956.9(c).) No. of cases 2.
  - II. PERSONNEL (Gov. Code, section 54957.) It is the intention of the Board to meet in closed session to: 4. Consider Public Employee Appointment for the Position of the incumbent Gere Sibbach on December 29, 2012 (appointment is required by Govt. Code section 25304).

**(This item was amended by removing Section 4 regarding personnel.)**

**Chairperson Patterson:** opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: the Board unanimously approved settlement agreement regarding a dispute with the successor to Charter Communications Properties, LLC. The successor is known as CCO SoCal I, LLC. This settlement is regarding the assessment of cable TV systems throughout the County for the tax years beginning in 2000 through 2011. Twelve years of refunds are resulting from this settlement. This settlement agreement reflects a stipulation as to new assessed values that will replace the values originally enrolled by the Assessor’s Office. The new assessed values are in aggregate about 73 percent of the values that were originally enrolled. The result of this is that there will be a refund of taxes to Charter Communications, LLC. or the new entity of approximately \$748,000, plus payment of attorney fees of slightly over \$90,000, including interest according to law on the refunds. Furthermore, states a copy of this agreement will available for public review after the meeting and the Board goes into Open Public Session.

**Presentations:**

- 28.** Submittal of a resolution to recognize the County's receipt of the Government Finance Officers Association Distinguished Budget Presentation Award.

**Mr. Jim Grant – County Administrator:** speaks.

**Chairperson Patterson:** opens the floor to public comment.

**Mr. Mike Brown – Coalition of Labor, Agricultural and Business (COLAB):** speaks.

**RESOLUTION NO. 2012-220, a resolution in recognition of the County’s first ever Government Finance Officers Association’s Distinguished budget presentation award, adopted.**

**Motion by:** Frank R. Mecham  
**Second by:** Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**29.** Submittal of a resolution proclaiming September 9, 2012 as "National Fetal Alcohol Spectrum Disorders Awareness Day."

**Ms. Lisa Fraser – San Luis Obispo County Child Abuse Prevention Counsel Executive Director and Beginnings of San Luis Obispo County:** speaks.

**RESOLUTION NO. 2012-221, a resolution proclaiming September 9, 2012 as National Fetal Alcohol Spectrum Disorders Awareness Day, adopted.**

**Motion by:** Frank R. Mecham  
**Second by:** Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Hearings Continued:**

**30.** Hearing to consider adoption of an ordinance to: 1) amend the Building and Construction Ordinance (Title 19 of the San Luis Obispo County Code) to adopt changes to the State Cal-Green Code by adding a Chapter 8 that adopts the County’s Green Building Ordinance and 2) amend the Health and Sanitation Ordinance – Solid Waste Management (Title 8 of the San Luis Obispo County Code) by repealing Section 8.12.450 et seq. All Districts.

**Chairperson Patterson:** opens the floor to public comment.

**Mr. Turko Semmes, Mr. Dave Watson (presents a handout from Mr. Rob McCarthy), Mr. Tom Murray – SLO Green Build Board Member, Mr. Mike Brown – Coalition of Labor, Agricultural and Business (COLAB), Mr. Steve Delmartini, Mr. Larry McNamee, Ms. Jeanette Watson, Mr. Bill Pelfrey, Mr. Mike Jackson, Ms. Laura Mordaunt, Ms. Heather Gray, Ms. Andy Pease - Inbalance Green Consulting and SLO Green Build, Ms. Stacey White – United States Green Building Council (USGBC) California Central Coast Chapter (C4) Group President and Mr. Jerry Bunin – Home Builders Association Government Affairs Director:** speak.

The reading of the proposed ordinance is waived and said proposed ordinance is read by title only and **ORDINANCE NO. 3230, an ordinance amending Title 19 of the San Luis Obispo County Code to amend the California Green Buildings Standards Code and adopt findings to support the imposition of requirements greater than the State requirements, adopted. Furthermore, the Board repeals Title 8, Section 8.12.450 et seq. of the County Code (Health and Sanitation – Solid Waste Management); and authorizes and directs the Chief Building Official to transmit a copy of this ordinance to the California Building Standards Commission and California Energy Commission as required by California Health and Safety Code Section 17958.7.**

**Motion by:** Bruce S. Gibson  
**Second by:** Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)	x			
Teixeira, Paul (Vice Chairperson)		x		
Mecham, Frank R. (Board Member)		x		

Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)	x			

**Consent Agenda –Health Agency Item:**

17. Request to approve the Fiscal Year 2012-13 renewal contract (Clerk’s File) with Community Action Partnership of San Luis Obispo County (CAPSLO) to provide mental health services for the Mental Health Services Act (MHSA) and case management services in support of the 2011 Public Safety Realignment Implementation Plan in an amount not to exceed \$360,132, is brought back for reconsideration.

(This item is being brought back for reconsideration because the second on the motion previously made on the Consent Agenda abstained from voting on this item.)

The Board approves as recommended by the County Administrative Officer.

Motion by: Bruce S. Gibson  
Second by: Paul Teixeira

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Patterson, James R. (Chairperson)			x	
Teixeira, Paul (Vice Chairperson)	x			
Mecham, Frank R. (Board Member)	x			
Gibson, Bruce S. (Board Member)	x			
Hill, Adam (Board Member)			x	

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, August 28, 2012, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

**JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: August 29, 2012